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TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [MU](#)  
SUBJECT: OMAN -- 2009 TIP REPORT: PRESS GUIDANCE AND  
DEMARCHE

REF: A. (A) STATE 59732  
[1](#)B. (B) STATE 005577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Oman of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Oman and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at [www.state.gov/g/tip](http://www.state.gov/g/tip) shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 EDT.

[1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Oman of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be

judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Oman,s country narrative in the 2009 TIP Report:

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OMAN (TIER 2)  
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Oman is a transit and destination country for men and women, primarily from India, Pakistan, Bangladesh, Sri Lanka, the Philippines, and Indonesia, most of whom migrate willingly to Oman as domestic servants or low-skilled workers in the country,s construction, agriculture, and service sectors. Some of them subsequently face conditions indicative of involuntary servitude, such as withholding of passports and other restrictions on movement, non-payment of wages, long working hours without food or rest, threats, and physical or sexual abuse. Unscrupulous labor recruitment agencies and their sub-agents at the community level in South Asia and the United Arab Emirates (UAE) may coerce or defraud workers into accepting work in Oman that turns out to be exploitative and, in some instances, constitutes involuntary servitude. Oman is also a destination and transit country for women from China, India, Morocco, Eastern Europe, and South Asia who may be trafficked for commercial sexual exploitation. Male Pakistani laborers, as well as others from India, Bangladesh, Sri Lanka, and East Asia, transit Oman en route to the UAE; some of these migrant workers are exploited in situations of forced labor upon reaching their destination.

The Government of Oman does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government,s enactment of anti-trafficking legislation and completion of its first prosecution under these provisions demonstrated increased commitment to combating trafficking during the reporting period. The government, however, continued to lack systematic procedures to identify trafficking victims among women in prostitution and illegal migrants, comprehensive victim protection services, and programming to raise general public awareness of all forms of human trafficking.

Recommendations for Oman: Increase investigations and prosecutions of trafficking crimes and convictions and punishment of trafficking offenders; continue training government officials in all relevant departments to recognize and respond appropriately to human trafficking crimes; institute formal procedures for identifying trafficking victims among women in prostitution and illegal migrants and transferring them to care facilities; complete construction and begin operation of a shelter that provides appropriate protection services to both labor and sex trafficking victims, including shelter and medical, psychological, and legal assistance; and enact and enforce penalties for employers who withhold their employees, passports as a measure to prevent labor trafficking.

Prosecution  
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The government,s anti-trafficking law enforcement efforts increased during the reporting period, evidenced by its passage of a comprehensive human trafficking statute and prosecution of its first specific trafficking case. In November 2008, the government enacted Royal Decree No. 126/2008, the Law Combating Human Trafficking, which prohibits all forms of trafficking and prescribes punishments of three to 15 years, imprisonment, in addition to financial

penalties. These punishments are sufficiently stringent and commensurate with penalties prescribed for other grave crimes. The law became effective in early December 2008 after publication in the official gazette. Articles 260 and 261 of the penal code prohibit slavery and prescribe penalties of three to 15 years, imprisonment. Article 220 prohibits coerced prostitution and prescribes penalties of three to five years, imprisonment. A legally enforceable circular prohibits employers, withholding of migrant workers, passports, which often contributes to forced labor; the circular, however, does not specify penalties for noncompliance, and this trafficking-related practice continues to be widespread. In March 2009, the government charged 13 male suspects, of whom 11 were convicted (five Omanis and six expatriates) with bringing 13 foreign women into Oman as their wives and then transiting them to another Gulf country to engage in prostitution. This is the first trafficking case investigated and prosecuted under the recently enacted anti-trafficking law. The case concluded in May 2009, with the conviction and sentencing of 11 defendants to seven years, imprisonment and a fine of \$26,000; two defendants were acquitted for lack of evidence. The government confiscated the Omani defendants, commercial establishments and forbade them from sponsoring additional expatriate workers.

#### Protection

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The government made efforts to improve protection services for victims of trafficking during the reporting period. The government did not provide shelter services, counseling, or legal aid to trafficking victims in 2008. Beginning in March 2009, however, the government provided 13 female victims shelter at a Royal Oman Police accommodation center.<sup>8</sup> In December 2008, the Ministry of Manpower instituted a mechanism for identifying trafficking victims among migrant workers employed by private companies that involved reviewing bank statements, employment contracts, and salary slips, and speaking privately with randomly selected workers at each site. The government, however, lacked systematic procedures to identify victims of trafficking among other vulnerable groups, such as migrants detained for immigration violations and women arrested for prostitution, or to refer victims for assistance; there are limited NGO-run facilities for trafficking victims in Oman. The government advocates a policy of encouraging victims to participate in the investigation and prosecution of their traffickers. The government's new human trafficking statute enables the Public Prosecution or court to permit a victim to remain in Oman if an investigation or trial finds cause. Trafficking victims who have fled abusive employers without obtaining new employment sponsorship are allowed to remain in country one month in order to locate a new sponsor.

#### Prevention

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The Omani government made efforts to prevent trafficking of migrant laborers during the reporting period, such as the launch of a public campaign to educate workers, employers, and the general public on laws and potential abuses, but did not take measures to raise awareness of sex trafficking or educate the general population about the nature of human trafficking as both a local and global phenomenon. In April 2009, the government's National Committee for Combating Trafficking in Persons convened its first meeting. To strengthen enforcement of labor laws that prohibit certain acts related to human trafficking, the government hired 94 additional male and female labor inspectors in September 2008, bringing the total to 160. The government funded the travel of ILO trainers to Oman, as well as provided venues for ILO-conducted anti-trafficking training of the labor inspectorate and other Ministry of Manpower officials. In November 2008, the government signed a memorandum of understanding with the Government of India strengthening cooperation in regard to the employment of Indian workers in Oman; the memorandum commits the countries to share information regarding illegal recruitment and trafficking of Indian workers. During the reporting period, Ministry of Manpower officials conducted seminars on workers, rights

throughout the country for workers employed by private companies. The ministry also distributed 180,000 brochures in 11 languages highlighting the rights and services to which workers are legally entitled to source country embassies and to new migrant laborers at airports, recruitment agencies, and in their places of work. The government also launched a broad public campaign on labor issues, which included weekly television and radio spots, the placement of articles weekly in government-owned newspapers, and presentations by government officials at schools, colleges, chambers of commerce, and women's associations in all major towns. The government did not take any known measures during the reporting period to reduce the demand for commercial sex acts.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1 ) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP

Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website [www.state.gov/g/tip](http://www.state.gov/g/tip).

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why was Oman upgraded from Tier 2 Watch List to Tier 2?

A: The government's enactment of anti-trafficking legislation and completion of its first prosecution under these provisions demonstrated increased commitment to combating trafficking during the reporting period. It also provided 13 female victims shelter at a Royal Oman Police accommodation center<sup>8</sup> and instituted a mechanism for

identifying trafficking victims among migrant workers employed by private companies. During the reporting period, Ministry of Manpower officials conducted seminars on workers, rights throughout the country and distributed 180,000 brochures in 11 languages highlighting the rights and services to which workers are legally entitled to source country embassies and to new migrant laborers at airports, recruitment agencies, and in their places of work.

Q2: What can Oman do to further its fight against trafficking in persons?

A: Oman continues to lack systematic procedures to identify trafficking victims among women in prostitution and illegal migrants, comprehensive victim protection services, and programming to raise general public awareness of all forms of human trafficking. To advance its anti-trafficking efforts, the Government of Oman could: increase investigations and prosecutions of trafficking crimes and convictions and punishment of trafficking offenders; continue training government officials in all relevant departments to recognize and respond appropriately to human trafficking crimes; institute formal procedures for identifying trafficking victims among women in prostitution and illegal migrants and transferring them to care facilities; complete construction and begin operation of a shelter that provides appropriate protection services to both labor and sex trafficking victims, including medical, psychological, and legal assistance; and enact and enforce penalties for employers who withhold their employees, passports.

¶12. The Department appreciates posts, assistance with the preceding action requests.  
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